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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,614	10/11/2001	Chad L. Cundiff	H0001749	3286

128 7590 11/29/2002

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EXAMINER

LOUIS JACQUES, JACQUES H

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 11/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Applicant No.	Applicant(s)	
	09/976,614	CUNDIFF, CHAD L.	
	Examiner	Art Unit	
	Jacques H. Louis-Jacques	3661	

*- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -*  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 11 October 2001.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in-
  - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
  - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-, 7-11, 13-16, and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Curtright [6,314,370].

Curtright discloses a map-based navigation system with overlays, wherein navigation and attitude data are collected from an aircraft. See figures and column 2. According to Curtright, a three-dimensional or perspective view of earth and the horizon is generated from the navigational and attitude data and displayed on a screen. See columns 2 and 3. Furthermore, according to Curtright, a current or next waypoint system is displayed or overlaid on the perspective view on the screen. According still to Curtright as set forth in column 4, the symbols may include one or more landmarks. The speed, attitude, heading and aircraft pitch may also be displayed as a symbol on the display. As further described in column 6, the symbol is moving, thereby indicating movement of the aircraft while improving terrain avoidance.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6, 12, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curtright [6,314,370] in view of McElreath et al [6,154,151].

Curtright does not implicitly disclose the first symbol as the horizon indicating a current waypoint and a second symbol at the horizon indicating the next current waypoint. McElreath et al, on the other hand, discloses an integrated vertical situation display for aircraft, wherein navigation data obtained from the aircraft are used to generate a display on a screen. A plurality of waypoints (current and next) is shown on the display, wherein a first symbol at horizon indicating a current waypoint and a second symbol at the horizon indicate the next waypoint. See figure 4, column 2. Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the navigation system of Curtright by incorporating the features from the integrated vertical situation display for aircraft of McElreath et al because such modification will provide a more efficient system that indicates ground contours to help maintain clearance

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,185,606	Verbaarschot et al	Feb. 1993
5,248,968	Kelly et al	Sep. 1993
5,357,263	Fischer et al	Oct. 1994
5,382,954	Kennedy, Jr. et al	Jan. 1995
5,445,021	Cattoen et al	Aug. 1995
5,936,553	Kabel	Aug. 1999
6,163,743	Bomans et al	Dec. 2000

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H. Louis-Jacques whose telephone number is (703) 305-9757. The examiner can normally be reached on M-Th, 7:30 AM - 4:00 PM (Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1111.

Application/Control Number: 09/976,614  
Art Unit: 3661

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Jacques H. Louis-Jacques  
Primary Examiner  
Art Unit 3661

/jlj  
November 25, 2002

*Jacques H. Louis-Jacques  
November 25, 2002  
JACQUES H. LOUIS-JACQUES  
PRIMARY EXAMINER*